



W.A.(MD)No.170 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.10.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.170 of 2023 &
C.M.P(MD)Nos.2181 & 2184 of 2023

Roothammal @ Loorthammal

...Appellant

- Vs. -

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer
Cum Presiding Officer of the Tribunal
Under Maintenance and Welfare of the Parents
and Senior Citizens Act, Kovilpatti.

3.Stalin

4.John Peter,

5.Elizabeth

6.Maria Pushpam

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters patent against the order passed by this Court in W.P.(MD) No.16636 of 2022, dated 19.01.2023.



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For Appellant : Ms.Rathi Meena
for Mr.T.Chandrasekaran

For Respondents : Mr.Subbaiah
for Mr.H.Arumugam for R3 & R4
Mr.S.P.Maharajan
Special Government Pleader for R1 & R2

JUDGEMENT

(Judgement of the Court was delivered by **C.KUMARAPPAN, J.**)

The present writ appeal has been filed against the order of the learned single Judge in W.P.(MD) No.16636 of 2022, dated 19.01.2023 in and by which, the challenge to the order of the Tribunal as well as the Appellate Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter called 'the Act') was dismissed.

2. The brief facts which are necessary for disposal of the present Writ Appeal are that the appellant who is the step mother of the respondents 3 to 6, had executed a settlement deed in favour of each one of them. It is her case that the respondents 3 to 6 failed to maintain her. Hence, she filed an application before the Tribunal under the Act to cancel the settlement deeds. But the Tribunal, instead of cancelling the



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settlement deed, had directed the respondents 3 to 6 to pay maintenance.

3. Aggrieved with the same, the appellant preferred a Writ Petition in W.P.(MD) No.16636 of 2022, and ultimately, it got dismissed on the ground that the settlement deed does not contain any recital as stipulated under Section 23 of the Act. The learned single Judge has also relied upon the decision of the Hon'ble Supreme Court in the case of *Sudesh Chhikara vs. Ramti Devi and another* in Civil Appeal No.174 of 2021, dated 06.12.2022.

4. Heard both sides.

5. The learned counsel for the appellant relied upon the Judgment of the Apex Court in the case of *Urmila Dixit vs. Sunil Sharan Dixit and others* reported in 2025 INSC 20 and would contend that the recital in the settlement deed is not mandatory if the ingredients of Section 23 of the Act are made out through the available materials.



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6. We absolutely do not have any grievance over the above submissions. But the only concern is that the appellant herein has miserably failed to demonstrate before the authority as well as to this Court as to the factor which satisfies the ingredients stipulated under Section 23 of the Act.

7. At this juncture, the learned counsel for the respondents 3 and 4 invited the attention of this Court about filing of civil suit by the appellant herein in O.S.No.92 of 2023 before the District Munsif Court, Kovilpatti, which was later on, settled out of Court on 21.08.2023. In respect of the same, he has also submitted the decree and Judgment of the Court. The suit property referred to in the suit and the properties described in the impugned settlement deed are one and the same. He also would submit that in furtherance of out of Court settlement, the respondents 3 to 6 have paid a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the appellant herein, and they have also executed a sale deed in favour of the appellant herein in respect of the property situated in S.No.64/A2C5I1 of Kayathar Village to an extent of 2.43 cents. Therefore, we absolutely do not find any ground to interfere with the order of the learned Single Judge.



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8. In the result, the Writ Appeal stands dismissed. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

[A.S.M.,J.] & [C.K., J.]
29.10.2025

NCC : Yes / No

Index : Yes / No

Internet: Yes

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